

United States District Court

DISTRICT OF DELAWARE

UNITED STATES OF AMERICA

Criminal Complaint

v.

CRISTIAN OREJUELA

CASE NUMBER: 07- 45M

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief.

On or about February 18, 2007 in the District of Delaware, defendant was:

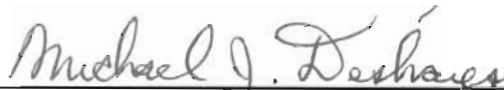
an alien in possession of a firearm

in violation of Title 18 United States Code, Section(s) 922(g)(5).

I further state that I am a(n) Special Agent, United States Department of Homeland Security, Bureau of Immigration & Customs Enforcement and that this complaint is based on the following facts:

See attached Affidavit

Continued on the attached sheet and made a part hereof: Yes



Signature of Complainant

Michael Deshaies

Special Agent

Bureau of Immigration & Customs Enforcement

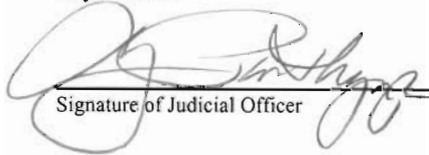
U.S. Department of Homeland Security

Sworn to before me and subscribed in my presence,

 at
Date: March 12, 2007

Honorable Mary Pat Thyng
United States Magistrate Judge
Name & Title of Judicial Officer

Wilmington, DE
City and State



Signature of Judicial Officer

AFFIDAVIT

I, Michael J. Deshaies, being duly sworn, depose and say:

1. I am a Special Agent with the United States Department of Homeland Security, Bureau of Immigration & Customs Enforcement (ICE), Dover, Delaware. I have been employed as a Special Agent since October 01, 1997, when the INS employed me. The INS was transferred to the U.S. Department of Homeland Security as the Bureau of Immigration & Customs Enforcement in March 2003. As a part of my official duties, I have participated in the investigation of federal firearms offenses as they relate to persons who are illegally or unlawfully in the United States. During the course of your affiant's law enforcement career, your affiant has participated in the seizures of firearms and investigations of firearms offenses, as well as conversations about the facts and circumstances of firearms offenses with investigating law enforcement officers involved in those offenses.

2. This investigation is based on information provided by State of Delaware government agencies, INS/ICE records, and my own observations and interviews.

3. On March 09, 2007, ICE Wilmington took one Cristián OREJUELA into custody in the District of Delaware, following his release on bond from State of Delaware custody. The Delaware State Police arrested OREJUELA on February 18, 2007 after he shot another individual with a handgun. He threw the handgun from the window of his car as he attempted to escape. The handgun was later recovered.

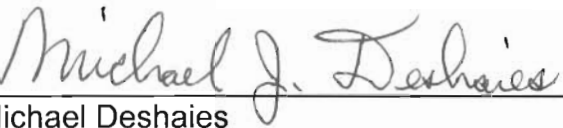
4. ICE indices show that Cristián OREJUELA was last admitted to the United States on November 23, 2002, with authorization to remain in the United States until May 22, 2003. He remained in the United States beyond May 22, 2003, in violation of his nonimmigrant status. The provisions of Title 18 United States Code Chapter 44, subsection 922(y), do not except OREJUELA.

5. On March 09, 2007, your affiant advised OREJUELA of his rights, in Spanish. Once advised of his rights, OREJUELA signed a waiver of his rights and agreed to speak with your affiant. In a sworn statement, he admitted that his true and correct name is Cristián OREJUELA, and that he was born in Colombia. OREJUELA stated that he had been in possession of a handgun and that he had fired it in the direction of another person, hitting him in the foot.

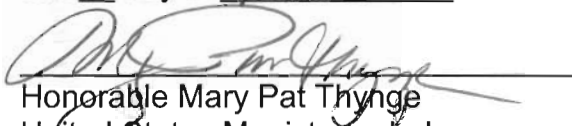
6. From a prior discussion with a Special Agent with the United States Department of Justice, Bureau of Alcohol Tobacco, Firearms and Explosives, who is expertly trained and experienced in determining the interstate nexus of firearms, your affiant knows that practically no firearms or ammunition have been manufactured in the state of Delaware, such that the defendants possession of the firearm and/or ammunition in Delaware would have necessarily required that the firearm had crossed state lines prior to its possession in

Delaware and such that the possession of that firearm in Delaware affected interstate commerce.

WHEREFORE, your affiant avers there is probable cause to believe that Cristián OREJUELA, a citizen and national of Colombia, being an alien illegally in the United States, violated 18 U.S.C. 922(g)(5) by possessing and affecting interstate commerce a firearm, and respectfully requests that the Court issue a Criminal Complaint charging that offense.


Michael Deshaies
Special Agent, ICE

Sworn to and subscribed in my presence
this 12 day of March 2007


Honorable Mary Pat Thyng
United States Magistrate Judge
District of Delaware